

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GUILLERMO CEBALLOS-SANTA CRUZ,

Defendant.

8:08CR381

ORDER

Defendant Guillermo Ceballos-Santa Cruz (Ceballos-Santa Cruz) appeared before the court on August 16, 2013, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 32). Ceballos-Santa Cruz was represented by Assistant Federal Public Defender Julie B. Hansen and the United States was represented by Assistant U.S. Attorney Donald J. Kleine. Through his counsel, Ceballos-Santa Cruz waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Ceballos-Santa Cruz should be held to answer for a final dispositional hearing before Chief Judge Laurie Smith Camp.

The government moved for detention. Through counsel, Ceballos-Santa Cruz declined to present any evidence or request a hearing on the issue of detention. Since it is Ceballos-Santa Cruz's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Ceballos-Santa Cruz has failed to carry his burden and that Ceballos-Santa Cruz should be detained pending a dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 11:00 a.m. on September 30, 2013**. Defendant must be present in person.
2. Defendant Guillermo Ceballos-Santa Cruz is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 16th day of August, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge